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Counsel for Official Committee of Tort Claimants

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In re:

PG&E CORPORATION

-and-

**PACIFIC GAS AND ELECTRIC
COMPANY,**
Debtors.

- ☐ Affects PG&E Corporation
- ☐ Affects Pacific Gas and Electric Company
- ☒ Affects both Debtors

**All papers shall be filed in the Lead Case,
No. 19-30088 (DM)*

Bankruptcy Case
No. 19-30088 (DM)

Chapter 11
(Lead Case)
(Jointly Administered)

**DECLARATION OF DAVID B. RIVKIN,
JR. IN SUPPORT OF RESPONSE BRIEF
OF THE OFFICIAL COMMITTEE OF
TORT CLAIMANTS CONCERNING
THE APPLICABILITY OF INVERSE
CONDEMNATION**

Date: November 19, 2019
Time: 10:00 a.m.
Place: United States Bankruptcy Court
Courtroom 17, 16th Floor
San Francisco, CA 94102

1 DAVID B. RIVKIN, JR., under penalty of perjury, declares:

2 1. I am a partner at Baker & Hostetler LLP, counsel to the Official Committee of Tort
3 Claimants (the “TCC”) of PG&E Corporation and Pacific Gas and Electric Company (the
4 “Debtors”) in these chapter 11 cases.

5 2. I submit this Declaration in support of the TCC’s Response Brief Concerning the
6 Applicability of Inverse Condemnation.

7 3. Attached hereto as EXHIBIT A is a true and correct copy of a ruling issued by the
8 Superior Court of California, County of Sacramento, “Ruling on Submitted Matter: Inverse
9 Condemnation Motions,” dated June 22, 2017, which this firm obtained from Superior Court of
10 California Website. This ruling finds PG&E may be held liable for inverse condemnation under
11 California law.

12 4. Attached hereto as EXHIBIT B is a true and correct copy of the ruling issued by
13 the Superior Court of California, County of Sacramento, “Ruling on Submitted Matter: PG&E’s
14 Renewed Motion for a Legal Determination of Inverse Condemnation Liability Pursuant to Code
15 of Civil Procedure Section 1260.040,” dated May 1, 2018, which this firm obtained from the
16 Superior Court of California Website. The ruling states that PG&E is liable for inverse
17 condemnation damages under present controlling appellate law.

18 5. Attached hereto as EXHIBIT C is a true and correct copy of the Superior Court Of
19 California for the County of Sacramento, “Stipulated Judgment” dated November 29, 2018, which
20 the firm obtained from Bloomberg Law. The final judgment resolved Barbara Jean and Robert
21 Thomas Zelmer’s inverse condemnation claims against PG&E.

22 6. Attached hereto as EXHIBIT D is a true and correct copy of the order issued by the
23 Superior Court of California, County of Sacramento, “Order Granting Motion For Entry of
24 Stipulated Judgment,” November 29, 2018, which the firm obtained from
25 [http://s1.q4cdn.com/880135780/files/doc_downloads/2019/20181129-Order-Granting-Motion-](http://s1.q4cdn.com/880135780/files/doc_downloads/2019/20181129-Order-Granting-Motion-for-Entry-of-Stip-Judgment-(Zelmer).pdf)
26 [for-Entry-of-Stip-Judgment-\(Zelmer\).pdf](http://s1.q4cdn.com/880135780/files/doc_downloads/2019/20181129-Order-Granting-Motion-for-Entry-of-Stip-Judgment-(Zelmer).pdf). The order agrees to enter the stipulated judgment
27 between PG&E and the Zelmers.
28

1 *Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury under the laws of the United States*
2 *of America that the foregoing is true and correct to the best of my knowledge and belief.*

3
4
5 Dated: November 15, 2019

BAKER & HOSTETLER LLP

6
7 By: /s/ David B. Rivkin, Jr.
David B. Rivkin

8 *Counsel for The Official Committee of Tort*
9 *Claimants*